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October 4, 2021

By Electronic Case Filing

MEMO ENDORSED

The Honorable Kenneth M. Karas
United States District Judge
United States District Court
for the Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Local 456 Funds v. Sub-Tech Services LLC d/b/a Sub Tech Services,
LLC d/b/a Subtech Services, LLC, Civil Action No. 7:21-cv-02151 (KMK)

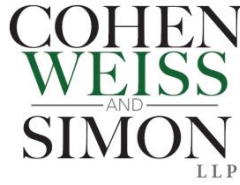
Dear Judge Karas:

This Firm represents Plaintiffs in the above-referenced matter.

We write, in response to the Defendants' Motion to Set Aside the Entry of Default (Docket No. 27). Specifically, we write to note that Plaintiffs do not oppose the vacating of the default and submission of the attached answer. Plaintiffs are perplexed, however, why defense counsel did not first ask whether Plaintiffs would consent to vacating the default, which would have been granted. Instead, his sole request, as detailed in his October 1, 2021 letter motion (Docket No. 26), was to adjourn tomorrow's Court conference for sixty (60) days to allow an audit to take place. Plaintiffs consented to that and have already instructed their auditor to reach out to the Defendants and arrange the audit.

Regardless, as this appears to be a miscommunication with defense counsel, there is no issue with vacating the default and allowing the answer to be filed by a date to be set by the Court.

We are prepared to discuss this more fully at tomorrow's conference, or if adjourned pursuant to the October 1, 2021 letter motion, at such other time to be set by the Court.



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We thank the Court for its consideration of this matter.

Very truly yours,

Michael S. Adler

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cc: Robert M. Sullivan, Esq.

(via ECF)

Defendants' Motion to Set Aside the
Entry of Default (Dkt. No. 27) is granted.
Defendants are directed to file their
Answer in 30 days, and the Parties are
directed to appear at a conference on
12/2/2021 at 10:00 am.

SO ORDERED



KENNETH M. KARAS U.S.D.J.

White Plains, NY
October 7, 2021